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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

GOODWIN et al.

Serial No.:

10/509,710

Filed:

September 30, 2004

For: PROTECTIVE COATING
COMPOSITION

Docket No.:

MSP614

Group Art Unit:

1792

Examiner:

Dahimene, Mahmoud

I hereby certify that the enclosed Information Disclosure Statement and attached SB/08/A and/or SB/08/B are being transmitted via First Class Mail in an envelope addressed to the Commissioner of Patents, PO BOX 1450, Alexandria, VA 22313-1450, on the date shown below.

9/25/2008
Date

Julie Barber
Julie Barber

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicants submit herewith patents, publications, and other information listed on the attached Forms PTO/SB/08a and PTO/SB/08b, of which they are aware that they believe may be material to the patentability and/or examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

The filing of this Second Supplemental Information Disclosure Statement (IDS) shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability and/or examination, or that no other material information exists. The filing of this Second Supplemental IDS shall not be construed as an admission against interest in any manner.

Legible copies of all items listed on the Forms PTO/SB/08a and PTO/SB/08b accompany this Second Supplemental IDS, except copies of U.S. patents, U.S. patent application publications, copies of U.S. applications that were filed on or after June 30, 2003, and copies of U.S. applications that were filed before June 30, 2003 that are available in the Image File Wrapper System.

10/01/2008 ETECLE1 00000005 10509710
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Applicants advise the Examiner that the subject application and the applications published as U.S. Pre-Grant Pub. Nos. 20040022945, 20050158480, 20050178330, 20050214476 (which was previously cited), 20050241582, 20070166479, and 20080118734 are all related due to the fact that each of these applications includes claimed subject matter directed to atomization of a liquid and/or solid into a plasma discharge. The claims have been indicated as allowable for the earliest-filed application, which published as 20040022945, and it is the Applicants' opinion that the application that published as 20040022945 is most relevant to the subject matter directed to atomization of a liquid and/or solid into a plasma discharge to the extent that such subject matter is claimed in the instant application. The accompanying Forms PTO/SB/08a and PTO/SB/08b include each of the references that are of record for the application that published as 20040022945. This Second Supplemental IDS is being submitted in compliance with Applicants' duty of disclosure. Applicants submit that the Examiner may consider many of these references to be irrelevant and/or duplicative, especially as these references relate to the subject matter of independent claim 1 in the subject application. However, each of these references were found to be relevant by a U.S. Examiner, a foreign patent office, or by the inventors relative to the application that published as 20040022945. The Applicants recognize that this Second Supplemental IDS contains many references. To assist the Examiner, the following is a listing of references that are currently believed to be most relevant:

- 1) **WO1998/10116 to Kolluri et al.;**
- 2) **USPN 5366770 to Wang;**
- 3) **WO 99/05358 to Sayers;**
- 4) **"Glow Discharge Plasma at Atmospheric Pressure and its Application", S. Okazaki et al., Proc. Jpn. Symp. Plasma Chem./ Vol. 2 1989, pgs. 95-102;**
- 5) **US5026463 to Dinter et al.**
- 6) **US6613394 to Kuckertz et al.**

None of the above patents and publications disclose the inventive concepts claimed in the subject application.

The following sections provide the necessary information relative to foreign language documents cited in the accompanying Form PTO/SB/08a and PTO/SB/08b.

FOREIGN LANGUAGE DOCUMENTS

English language abstract for the following non-English references are enclosed:

<u>Foreign Patent Document</u>	<u>Publication Date</u>	<u>Name of Patentee or Applicant of Cited Document</u>
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DE19546187	1997-06-12	Manfred et al.
DE19924108	2000-11-30	Schneider et al.
DE19742619	1999-01-28	Branston et al.
DE19955880	2001-05-23	Lange et al.
FR2713511	1995-06-16	Dumas et al.
JP62227905	1987-06-10	Masayuki
JP03-115578	1991-05-16	Notomi et al.
WO95/18249	1995-07-06	Miyakawa et al.
WO99/06204	1999-02-11	Bolte et al.
WO99/66096	1999-12-23	Branston et al.
WO01/38596	2001-05-31	Lange et al.
WO01/41942	2001-06-14	Ben-Malek et al.
WO01/76773	2001-10-18	Thyen et al.
WO02/26401	2002-04-04	Ben-Malek et al.
WO02/40742	2002-05-23	Yara et al.

Also submitted herewith is an English translation of the following foreign language patents, publications or information or of portions of those patents, publications or information considered to be material:

JP 07-328427
JP07-062546
JP07-138761
JP08-078529
JP10275698
JP2000-192261
JP2000-319427
JP2001-087643
JP2002-057440
JP2000212753
JP11029873
JP11241165

The following foreign language document is believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith:

Cited Art
WO95/18249

English Equivalent
6,342,275

A concise explanation of the relevance of the following listed non-English language information is included as presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information as set forth below:

Foreign Patent Document	Explanation of Relevance
DE19546187	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a plasma-aided surface treatment at atmospheric pressure in which the surface of a substrate is treated with a gaseous monomer before entry into a treatment chamber.
DE19742619	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method and apparatus for introducing powdery solids or liquids into an inductively coupled plasma. The solids or liquids are converted into an aerosol that is fully evaporated in the plasma.
DE19924108	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a plasma polymer coating that is useful for coating electrical equipment housings, window frame, etc. The coating is formed by atomizing a compound into a plasma.
DE19955880	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a metal coating process, e.g. for steel parts used in vehicles, that involves forming a coupling layer by generating a plasma discharge in a gaseous mixture of in inert gas and/or oxidizing gas containing organo-silicon compound.
FR2713511	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a process for producing an unstable or excited species-containing gas at close to atmosphere pressure.
JP62227905	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method of plasma treating a glass support in an atmosphere of an organic compound.
JP 03-115578	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method to efficiently coat powder

	particles using a plasma.
WO99/06204	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a corona-type device for treating a substrate surface.
WO99/66096	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method and device for producing a powder aerosol and use thereof in a plasma burner to form a coating on a substrate.
WO01/38596	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method for producing a coating system, which is comprised of an adhering layer and of an organic coat on a substrate whereby the adhering layer is produced by means of a barrier discharge carried out in an aerosol consisting of an organosilicon compound.
WO01/41942	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method for depositing a coating on the wall of metallic containers using a plasma at a pressure close to atmospheric pressure.
WO01/76773	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method for depositing a polymer layer by supplying an organic compound into a filamented gas discharge.
WO02/26401	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method for deposition of an internal coating in a plastic container, the method being plasma-assisted under pressure close to atmospheric pressure.
WO02/40742	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method and device for atmospheric plasma processing configured such that process gas is exhausted near a processed part.

CERTIFICATION:

The Second Supplemental IDS transmitted herewith is being filed **after** three (3) months of entry into the national stage of an international application and after the mailing date of the first Office Action on the merits, but **before** the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311. Applicants elect the option to

pay the fee set forth in 37 C.F.R. §1.17(p) for submission of a Supplemental IDS under 37 C.F.R. §1.97(c). A check in the amount of **\$180.00** for the IDS submission fee is enclosed.

The Commissioner is authorized to charge Howard & Howard Attorneys PC Deposit Account No. 08-2789 for any additional fees due hereunder.

Respectfully submitted

Reg. No.: **57,212**

Date September 25, 2008

Customer No. 27305


Christopher S. Andrzejak
Howard & Howard Attorneys PC
The Pinehurst Office Center, Suite 101
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151
Tel. No.: (248) 723-0442

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10509710
Filing Date	2004-09-30
First Named Inventor	Andrew James Goodwin et al.
Art Unit	1792
Examiner Name	Mahmoud Dahimene
Attorney Docket Number	MSP614NAT1 US

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).


☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature		Date (YYYY-MM-DD)	2008-09-25
Name/Print	Christopher S. Andrzejak	Registration Number	57212

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.